

Panaji, 5th September, 1974 (Bhadra 14, 1896)

SERIES I No. 23

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Local Self Government Department

Notification

LSG/IPA/324/66 (Part)

In exercise of the powers conferred by article 19 of the Legislative Diploma No. 1984, dated 14-4-1960 and all other powers enabling him in this behalf, the Administrator of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Provedoria de Assistencia Publica (Fixation of Pay, Allowances, Cadre and Conditions of service of Employees) Rules, 1974, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Provedoria de Assistencia Publica (Fixation of Pay, Allowances, Cadre and Condition of service of Employees) (First Amendment) Rules, 1974.

(2) They shall come into force at once.

2. **Amendment of Schedule I.**—In the Goa, Daman and Diu Provedoria de Assistencia Publica (Fixation of Pay, Allowances, Cadre and Condition of service of Employees) Rules, 1974 (hereinafter referred to as the principal "Rules"), in the Schedule I:—

i) against Sr. No. 15, for the words "Nurse cum midwife" the words "Staff Nurse" shall be substituted.

ii) against Sr. No. 19, for the word "Nurse" the words "Staff Nurse" shall be substituted.

3. **Amendment of Schedule II.**—In Schedule II appended to the principal Rules:—

i) against Sr. No. 15, for the words "Nurse cum Midwife" appearing in column 2, the words "Staff Nurse" shall be substituted.

ii) against Sr. No. 19, for the word "Nurse" appearing in column 2, the words, "Staff Nurse" shall be substituted and for the scale 130-5-160-8-200-EB-8-256-EB-8-280-10-300" shown against the column 3, the scale "150-5-175-6-205-EB-7-240-8-256-EB-280" shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 29th August, 1974.

Law and Judiciary Department

Notification

LD/2693/74

The National Co-operative Development Corporation (Amendment) Act, 1974 (4 of 1974) is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 30th April, 1974.

The National Co-operative Development Corporation
(Amendment) Act, 1974

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ACT

further to amend the National Co-operative Development Corporation Act, 1962.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the National Co-operative Development Corporation (Amendment) Act, 1974.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. **Substitution of long title.**—In the National Co-operative Development Corporation Act, 1962 (hereinafter referred to as the principal Act), for the long title, the following shall be substituted, namely:—

"An Act to provide for the incorporation and regulation of a corporation for the purpose of planning and promoting programmes for the production, processing, marketing, storage, export and import of agricultural produce, foodstuffs and certain other commodities on co-operative principles and for matters connected therewith".

3. **Amendment of section 2.**—In section 2 of the principal Act,—

(i) in clause (a),—

(1) for the words "means any of the following", the words "includes the following" shall be substituted;

(2) in item (i), the words "foodstuffs, including" shall be omitted;

(ii) after clause (a), the following clauses shall be inserted, namely:—

'(aa) "bank" means a nationalised bank and includes a scheduled bank;

(ab) "Board" means the Board of Management of the Corporation constituted under section 10;';

(iii) in clause (d), for the word and figure "section 3", the words, brackets and figures "sub-section (1) of section 3" shall be substituted;

(iv) after clause (d), the following clauses shall be inserted, namely:—

'(da) "foodstuffs", include —

(i) coconuts and areca-nuts;

(ii) eggs and egg products;

(iii) fish, whether fresh, frozen, dried or preserved;

(iv) fruits, whether fresh, dried or dehydrated;

(v) honey;

(vi) meat, whether fresh, frozen, dried or preserved;

(vii) milk and milk products;

(viii) vegetables;

(db) "General Council" means the General Council of the Corporation constituted under sub-section (4) of section 3;

(dc) "managing director" means the managing director of the Corporation;

(dd) "nationalised bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;';

5 of 1970.

(v) in clause (e), after the words "agricultural produce", the words "and foodstuffs" shall be inserted;

(vi) after clause (g), the following clause shall be inserted, namely:—

'(ga) "scheduled bank" means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934;';

2 of 1934.

4. Amendment of section 3. — In section 3 of the principal Act, for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:

"(3) The Corporation shall carry on its functions through the General Council and the Board.

(4) The General Council shall consist of the following members, namely: —

(i) a President and a Vice-President, both to be nominated by the Central Government;

(ii) eight members, *ex officio*, to be nominated by the Central Government from such of its Ministries dealing with economic matters as it may think fit;

(iii) Deputy Governor of the Reserve Bank in charge of rural credit, *ex officio*;

(iv) Managing Director of the State Bank, *ex officio*;

(v) Managing Director of the Food Corporation of India, constituted under the Food Corporation Act, 1964, *ex officio*; 37 of 1964.

(vi) Managing Director of the Central Warehousing Corporation, constituted under the Warehousing Corporations Act, 1962, *ex officio*; 59 of 1962.

(vii) Chairman of the Industrial Finance Corporation of India, constituted under the Industrial Finance Corporation Act, 1948, *ex officio*; 15 of 1948.

(viii) a member representing banks, to be nominated by the Central Government;

(ix) Chairman of the National Co-operative Union of India, *ex officio*;

(x) Chairman of the National Agricultural Co-operative Marketing Federation, *ex-officio*;

(xi) Chairman of the National Federation of Co-operative Sugar Factories, *ex officio*;

(xii) Chairman of the All India Federation of Co-operative Spinning Mills, *ex officio*;

(xiii) Chairman of the All India State Co-operative Banks' Federation, *ex officio*;

(xiv) eleven members, other than those nominated under clause (xv), representing the States and the Union territories, to be nominated by the Central Government, provided that not more than one person shall be so nominated from each State or Union territory;

(xv) eleven members to be nominated by the Central Government from among the Chairman of the State level co-operative federations from the States and Union territories, provided that not more than one person shall be so nominated from each State or Union territory;

(xvi) four members representing persons having special knowledge of, or practical experience in, agricultural co-operative development, to be nominated by the Central Government;

(xvii) three members representing national level organisations engaged or interested in the promotion and development of co-operative programmes, to be nominated by the Central Government;

(xviii) the managing director.

(5) The powers and functions of the Corporation shall be exercised or discharged, as the case may be, by the General Council, and references elsewhere in this Act to the Corporation shall, unless the context otherwise requires, be construed as references to the General Council.

(6) Notwithstanding the expiry of the prescribed term of his office, every member of the General Council shall continue to hold office as such, until his successor in such office has assumed charge of such office.

(7) Members of the General Council, other than the managing director, shall be entitled to receive such sitting fees as may be specified by regulations made by the Corporation under this Act, for attending any meeting of the General Council, Board or any committee of the Corporation:

Provided that no official member shall be entitled to receive any sitting fee."

5. Amendment of section 4. — In section 4 of the principal Act, in clause (iii), before the words "if

he is a salaried official", the words "except in the case of managing director," shall be inserted.

6. Amendment of section 7.—In section 7 of the principal Act, —

(i) in sub-section (1), for the words "shall meet at such times", the words "shall ordinarily meet twice a year at such times" shall be substituted;

(ii) in sub-sections (2) and (3), for the words "Chairman" and "Vice-Chairman", wherever they occur, the words "President" and "Vice-President" shall, respectively, be substituted.

7. Amendment of section 8.—In section 8 of the principal Act, —

(i) in sub-section (1), for the words "Secretary of the Corporation", the words "managing director" shall be substituted;

(ii) in sub-section (3), in clause (a), for the word "Secretary", the words "managing director" shall be substituted;

(iii) after sub-section (3), the following sub-section shall be inserted, namely: —

"(4) The managing director shall exercise such powers and perform such duties as the Board may entrust or delegate to him."

8. Amendment of section 9.—In section 9 of the principal Act, —

(i) for sub-section (1), the following sub-section shall be substituted, namely: —

"(1) Subject to the provisions of this Act, the functions of the Corporation shall be to plan and promote programmes, through co-operative societies, for —

(a) the production, processing, marketing, storage, export and import of agricultural produce, foodstuffs, poultry feed and notified commodities;

(b) the collection, processing, marketing, storage and export of minor forest produce."

(ii) in sub-section (2), —

(a) in clause (b), for the words "agricultural produce", the words "agricultural produce, foodstuffs" shall be substituted;

(b) after clause (c), the following clauses shall be inserted, namely: —

"(d) provide loans and grants directly to the national level co-operative societies and other co-operative societies having objects extending beyond one State;

(e) provide loans to co-operative societies on the guarantee of State Governments or in the case of co-operative societies in the Union territories, on the guarantee of Central Government;

(f) participate in the share capital of the national level co-operative societies and other co-operative societies having objects extending beyond one State."

9. Substitution of new section for section 10.—For section 10 of the principal Act, the following section shall be substituted, namely: —

"10. Board of Management of the Corporation.—

(1) There shall be a Board of Management of the Corporation which shall consist of the following members, namely: —

(i) the Vice-President of the General Council, who shall be the Chairman;

(ii) three members of the General Council, to be nominated by the Central Government from among the members referred to in clause (ii) of sub-section (4) of section 3;

(iii) the member of the General Council, referred to in clause (iii) of sub-section (4) of section 3;

(iv) one member of the General Council, to be nominated by the Central Government from among the members referred to in clause (ix), (x), (xi), (xii) and (xiii) of sub-section (4) of section 3;

(v) two members of the General Council, to be nominated by the Central Government from among the members referred to in clause (xiv) of sub-section (4) of section 3;

(vi) two members of the General Council, to be nominated by the Central Government from among the members referred to in clause (xv) of sub-section (4) of section 3;

(vii) one member of the General Council, to be nominated by the Central Government from among the members referred to in clause (xvi) and (xvii) of sub-section (4) of section 3;

(viii) the managing director.

(2) The Vice-Chairman of the Board shall be nominated by the Central Government.

(3) Subject to the general control, direction and superintendence of the General Council, the Board shall be competent to deal with any matter within the competence of the Corporation.

(4) The Board shall meet at such times and at such places and shall observe such procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Corporation under this Act.

(5) The confirmed minutes of every meeting of the Board shall be laid before the General Council at its next following meeting."

10. Amendment of section 12.—In section 12 of the principal Act, —

(i) in clause (a), the word "and" occurring at the end shall be omitted;

(ii) in clause (b), the word "and" shall be inserted at the end;

(iii) after clause (b), the following clause shall be inserted, namely: —

"(c) such additional grants, if any, for the purposes of this Act."

11. **Insertion of new section 12A.**—After section 12 of the principal Act, the following section shall be inserted, namely:—

"12A. Power of Corporation to borrow money.—

(1) The Corporation may, for the purposes of carrying out its functions under this Act, and with the previous approval of, and subject to the directions of the Central Government, borrow money from—

(a) the public by the issue or sale of bonds or debentures, or both, carrying interest at such rates as may be specified therein;

(b) any bank or other financial institution;

(c) any other authority, organisation or institution as may be specially approved by the Central Government in this behalf.

(2) The Central Government may guarantee the repayment of the moneys borrowed by the Corporation under clause (a) or clause (b) or clause (c) of sub-section (1) and the payment of interest thereon and other incidental charges."

12. **Amendment of section 13.**—In section 13 of the principal Act,—

(i) in sub-section (1),—

(a) after clause (b), the following clause shall be inserted, namely:—

"(ba) all moneys borrowed under section 12A,";

(b) in clause (d), after the words "or dividends", the words "or other realisations" shall be inserted;

(ii) in sub-section (2), in clause (b), for the word "officers", the words "managing director, the officers" shall be substituted;

(iii) in sub-section (3), for the words "State Bank", the words "State Bank or a nationalised bank" shall be substituted.

13. **Amendment of section 18.**—In section 18 of the principal Act, for the words "the Corporation", the words "the General Council, the Board or any of the committees of the Corporation" shall be substituted.

14. **Amendment of section 19.**—In section 19 of the principal Act, for the words "Chairman or the Vice-Chairman", the words "President or the Vice-President" shall be substituted.

15. **Amendment of section 22.**—In sub-section (2) of section 22 of the principal Act,—

(i) clause (a), (b) and (c) shall be omitted;

(ii) in clause (e), for the words "Secretary to the Corporation", the words "managing director" shall be substituted;

(iii) clause (f) shall be omitted.

16. **Amendment of section 23.**—In sub-section (2) of section 23 of the principal Act,—

(i) in clause (a), for the words "the Corporation, the Executive Committee and other committees

thereof", the words "the General Council, the Board and other committees of the Corporation" shall be substituted;

(ii) in clause (b), for the word "Secretary", the words "managing director" shall be substituted.

Notification

LD/3551/74

The following Central Acts which were recently passed by the Parliament and assented to by the President of India are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 10th July, 1974.

The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1974

AN

ACT

further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1974.

(2) It shall be deemed to have come into force on the 1st day of April, 1974.

2. **Amendment of long title.**—In the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the principal Act), in the long title, for the figures, letters and words "31st day of July, 1969", the figures, letters and words "28th day of October, 1973" shall be substituted.

3. **Amendment of section 6.**—In sub-section (2) of section 6 of the principal Act, for the words "or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

4. **Amendment of Second Schedule.**—In the Second Schedule to the principal Act, for paragraph 2, the following paragraph shall be substituted, namely:—

"2. During each of the financial years commencing on and after the 1st day of April, 1974, there shall be paid to each of the States specified in column 1 of the Table below such percentage of the net proceeds, after deducting therefrom a sum equal to 1.41 per cent. of the said proceeds as being attri-

butable to Union territories, as is set out against it in column 2:

Provided that if during that financial year there is levied and collected in any State a tax on the sale or purchase of sugar, tobacco, cotton fabrics, woollen fabrics, rayon or artificial silk fabrics or one or more of them by or under any law of that State, no sums shall be payable to that State under this paragraph in respect of that financial year, unless the Central Government by special order otherwise directs.

TABLE

State	Percentage of distribution
1	2
1 Andhra Pradesh	8.39
2 Assam	2.47
3 Bihar	9.36
4 Gujarat	5.09
5 Haryana	1.94
6 Himachal Pradesh	0.59
7 Jammu and Kashmir	0.73
8 Karnataka	5.62
9 Kerala	3.58
10 Madhya Pradesh	6.98
11 Maharashtra	11.65
12 Manipur	0.17
13 Meghalaya	0.17
14 Nagaland	0.08
15 Orissa	3.59
16 Punjab	2.68
17 Rajasthan	4.17
18 Tamil Nadu	7.27
19 Tripura	0.25
20 Uttar Pradesh	16.10
21 West Bengal	8.30"

The Constitution (Thirty-Third Amendment) Act, 1974

AN

ACT

further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Constitution (Thirty-third Amendment) Act, 1974.

2. **Amendment of article 101.**—In article 101 of the Constitution, in clause (3),—

(1) for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and his resignation is accepted by the Chairman or the Speaker, as the case may be,”;

(2) the following proviso shall be inserted at the end, namely:—

“Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making

such inquiry as he thinks fit, the Chairman or the Speaker, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.”.

3. **Amendment of article 190.**—In article 190 of the Constitution, in clause (3),—

(1) for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be, and his resignation is accepted by the Speaker or the Chairman, as the case may be,”;

(2) the following proviso shall be inserted at the end, namely:—

“Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Speaker or the Chairman, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.”.

The Union Duties of Excise (Distribution) Amendment Act, 1974

AN

ACT

further to amend the Union Duties of Excise (Distribution) Act, 1962.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Union Duties of Excise (Distribution) Amendment Act, 1974.

2. **Amendment of long title.**—In the long title of the Union Duties of Excise (Distribution) Act, 1962 (hereinafter referred to as the principal Act), for the words, figures and letters “dated the 31st day of July, 1969”, the words, figures and letters “dated the 28th day of October, 1973” shall be substituted. 3 of 1962

3. **Amendment of section 2.**—In section 2 of the principal Act, for the words and figures “financial years 1972-73 and 1973-74, twenty per cent. of the special duties of excise levied and collected under the Finance Acts of the respective years”, the words and figures “financial years 1976-77, 1977-78 and 1978-79, twenty per cent. of the auxiliary duties of excise levied and collected under the Finance Acts of the respective years” shall be substituted.

4. **Substitution of new section for section 3.**—For section 3 of the principal Act, the following section shall be substituted, namely:—

“3. **Distribution of a part of Union duties of excise among the States.**—During each financial year commencing on and after the 1st day of April, 1974, there shall be paid out of the Consolidated Fund of India to each of the States specified in

column 1 of the Table below such percentage of the distributable Union duties of excise as is set out against it in column 2: —

TABLE

State 1	Percentage 2
Andhra Pradesh	8.16
Assam	2.71
Bihar	11.47
Gujarat	4.57
Haryana	1.53
Himachal Pradesh	0.63
Jammu & Kashmir	0.90
Karnataka	5.45
Kerala	3.86
Madhya Pradesh	8.15
Maharashtra	8.58
Manipur	0.21
Meghalaya	0.19
Nagaland	0.11
Orissa	4.06
Punjab	1.87
Rajasthan	5.00
Tamil Nadu	7.43
Tripura	0.30
Uttar Pradesh	17.03
West Bengal	7.79"

5. Amendment of section 5. — In sub-section (2) of section 5 of the principal Act, for the words "or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

The Estate Duty (Distribution) Amendment Act, 1974

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ACT

further to amend the Estate Duty (Distribution) Act, 1962.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Estate Duty (Distribution) Amendment Act, 1974.

(2) It shall be deemed to have come into force on the 1st day of April, 1974.

2. Amendment of long title. — In the long title of the Estate Duty (Distribu-

tion) Act, 1962 (hereinafter referred to as the principal Act), for the figures, letters and words "31st day of October, 1968", the figures, letters and words "28th day of October, 1973" shall be substituted.

3. Amendment of section 3. — In section 3 of the principal Act, —

- (i) in sub-section (1),—
 - (a) for the figures, letters and words "1st day of April, 1969", the figures, letters and words "1st day of April, 1974" shall be substituted;
 - (b) for the words "three per cent", the figures and words "2.5 per cent" shall be substituted;
 - (c) the proviso and the Table below it shall be omitted;
- (ii) in sub-section (2), for clause (b) and the proviso occurring at the end of that clause, the following clause shall be substituted, namely: —
 - "(b) the balance shall be distributed among the States as follows: —

State	Percentage
Andhra Pradesh	8.04
Assam	2.70
Bihar	10.41
Gujarat	4.93
Haryana	1.86
Himachal Pradesh	0.64
Jammu & Kashmir	0.85
Karnataka	5.41
Kerala	3.94
Madhya Pradesh	7.70
Maharashtra	9.31
Manipur	0.20
Meghalaya	0.19
Nagaland	0.10
Orissa	4.05
Punjab	2.50
Rajasthan	4.76
Tamil Nadu	7.61
Tripura	0.29
Uttar Pradesh	16.32
West Bengal	8.19"

4. Amendment of section 4. — In sub-section (2) of section 4 of the principal Act, for the words "or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.